

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

| Plaintiffs' Executive Committee for Personal Injury and Death Claims | Plaintiffs' Executive Committee for Commercial Claims |
|--|---|
| Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP | Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR |
| Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC | J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR |

Via ECF

April 17, 2020

The Honorable George B. Daniels
U.S. District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD)*
(SN); Estate of John P. O'Neill, Sr., et al. v. Republic of the Sudan, et al.,
No. 18-cv-12114 (GBD) (SN); Estate of John P. O'Neill, Sr., et al. v.
Kingdom of Saudi Arabia, et al., No. 04-cv-1922 (GBD) (SN)

Dear Judge Daniels:

I write on behalf of the *O'Neill* plaintiffs in the above-captioned matters and on behalf of the Plaintiffs' Executive Committees (the "PECs") with regard to the Motion to Dismiss ("Motion") filed by the Republic of the Sudan ("Sudan"). MDL ECF No. 5824. On February 3, 2020, Sudan filed a motion to dismiss two *O'Neill* actions, one filed in March 2004, and one filed in December 2018 (the "Motion").

Following the filing of the Motion, the PECs contacted counsel for Sudan to provide information concerning the status of other claims against Sudan in the MDL, and to discuss the possible coordination of proceedings as to Sudan. At that time, the parties sought an Order deferring further briefing on Sudan's Motion in the *O'Neill* cases, while the parties discussed the possible coordination of proceedings as to Sudan in the MDL. The Court granted the request on February 14, 2020, before the extended government Covid 19 Virus quarantine, extending the briefing schedule for sixty (60) days to April 20, 2020. MDL ECF 5945.

The PECs and counsel for Sudan subsequently engaged in good faith discussions and have exchanged proposals regarding coordination of proceedings; however, the parties have not yet reached agreement on these issues.

In order to allow time to complete discussions relative to coordination efforts, and in light of the current health crisis, we are writing to request a relatively brief extension of thirty (30) days for the *O'Neill* plaintiffs' opposition to the previously filed motion, if necessary. We note

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that the current health crisis, where many counsel are working from home, has left us without access to portions of our files, and further complicated matters such as delays in our internal communications with members of the O'Neill team, co-counsel on the PECs and counsel for Sudan.

We have consulted with counsel for Sudan and have been advised to inform the Court that "Sudan does not object to the *O'Neill* Plaintiffs requesting that the Court grant an extension of 30 days (to Wednesday, May 20, 2020) for the *O'Neill* Plaintiffs to file their opposition to Sudan's motion to dismiss, in order for Sudan's counsel and the PEC to complete their discussions regarding proposed coordinated proceedings with respect to Sudan."

Accordingly, the PECs and the *O'Neill* Plaintiffs hereby request an additional thirty (30) day extension of the briefing schedule, which would extend the deadline to respond to Sudan's Motion to Dismiss to May 20, 2020.

We thank the Court for its attention to this matter.

Very truly yours,

KREINDLER & KREINDLER LLP

/s/ James P. Kreindler

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The Honorable George B. Daniels

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